



IPSO Annual Report

Covering the period 8 September 2014 to 31 December 2014

Introduction: The MNA

The MNA is Britain's largest regional news company, reaching one million people every week in print and online.

It has delivered real news since the 1880s, first through the Express & Star, Britain's biggest selling regional newspaper, then the Shropshire Star, the seventh biggest title.

It has an unrivalled portfolio in the West Midlands and Shropshire, including a range of weekly newspapers, magazines and apps.

The MNA is part of the Claverley group, which owns the daily newspapers in the Channel Islands, the Jersey Evening Post and Guernsey Press.

The Claverley group also owns Precision Colour Printing, based in Telford, software supplier Press Computer Systems and IT company Itex.

The Claverley businesses, including the MNA, are all owned by the Graham family, the proprietors of the Express & Star for more than a century.

Daily titles:

Express & Star

Shropshire Star

Weekly titles:

Cannock Chronicle

Dudley Chronicle

Halesowen Chronicle

Sandwell Chronicle

Stourbridge Chronicle

Walsall Chronicle

Wolverhampton Chronicle

Rugeley Chronicle

Willenhall Chronicle

Shrewsbury Chronicle

Telford Journal

North Shropshire Chronicle

Newport Advertiser

Market Drayton Advertiser

Oswestry Chronicle

Bridgnorth Journal

South Shropshire Journals – incorporating Mid Wales Journal & South Shropshire Journal

Keith Harrison is the editor of the Express & Star and its associated weekly newspapers (the Chronicle series). Keith is also editorial director of the MNA.

The 'responsible person' for the Express & Star who deals with IPSO matters is deputy editor Diane Davies.

Martin Wright is the editor of the Shropshire Star and its associated weekly newspapers (as listed above).

The 'responsible person' for the Shropshire Star who deals with IPSO matters is deputy editor Mark Drew.

Our editorial standards

The MNA is committed to upholding the Editors' Code of Practice. Journalists are issued with copies of the code and details are set out on the company's intranet. Regular training sessions – internally and externally – reinforce and refresh the importance of adhering to the code. All staff are reminded of the need to uphold the code at all times and the importance of representing the MNA – and the profession of journalism – in a positive and professional manner.

In addition, the Express & Star sent a copy of the Editor's Code of Practice to all regular freelance and agency copy suppliers. They were asked to give written confirmation that they had received the code and would adhere to it when dealing with any story or submitting copy for the MNA. It was made clear that if they did not reply accordingly, their services would no longer be required. This is an ongoing exercise which is also being carried out across the Shropshire titles (see copy of letter, page 12).

In respect of IPSO, guidance would be sought prior to publication if deemed necessary by the editors. Any guidance would be considered alongside any legal advice (if any) that had been sought. Guidance would also be sought from IPSO in resolving complaints made to IPSO. This may take the form of agreeing a suitable resolution to a complaint with IPSO acting as the conduit between the complainant and the newspaper. This course of action has been employed by the Shropshire Star following a complaint in November 2014 (see details in Our record on compliance, page 10).

With regards to the verification of stories, all staff are made aware of Clause 1 (accuracy) of the Editors' Code and the need to always keep that in mind when researching, writing, news editing and sub editing stories. Every story that goes in our papers is checked before publishing. All news stories are checked initially by a news editor and then by a sub editor, reporters do not write into boxes. Editors demand that reporters and writers can stand up any claims made in their copy and that reports are balanced. This is not as extensive for online-only copy but all staff in this department are this month (December) receiving extra legal training on top of their ethical training.

Our complaints handling process

The following guidance setting out our complaints handling process has been issued to all editorial staff. It is available on the company's intranet and has been highlighted by both editors in their monthly departmental blogs.

Dealing with editorial complaints

When dealing with any complaints, every effort must be made to settle the issue at the earliest stage.

If there are grounds for complaint and/or a mistake has been made, immediate efforts must be made to redress this.

If we are wrong, we have to put it right. If we have done nothing wrong, we have to be able to fight our corner which means accurate notes from the reporters and those who have dealt with the story.

Always make a note of any complaints, including the caller's name, the details of the complaint and, most importantly, any offer made to correct the mistake or make amends.

When complaints have been dealt with it is VITAL that you send a note to Editor's Secretary Karen Baker or Tania Taylor for Shropshire. An annual report has to be compiled for IPSO and it is not yet clear which complaints must be included. Therefore, for the time being, include all complaints detailing how they were dealt with.

Here are some guidelines for dealing with complaints:

- 1) If there are no grounds for complaint, for example the caller is unhappy that their court case has been reported, this should be explained to them calmly and clearly. If they are abusive and hostile you can end the conversation but ensure you make a note of the conversation.
- 2) If there may be a genuine complaint, take all of the details and promise to get back to the complainant as quickly as possible. The complaint must then be investigated with some urgency. If a mistake has been made, the deputy editor or editor should be informed.
- 3) In many cases, it may be possible to appease the complainant with a follow-up story containing the correct information, putting forward their stance on an issue to give a more balanced view or giving the organisation some positive press such as a feature. This is unlikely to be included in the annual report and the preferable conclusion.
- 4) The complainant may be satisfied with this. If not, it may be necessary to carry a correction as a blob par on the end of the story.
- 5) If neither of these options are appropriate or accepted, we could run a correction in the paper either clarifying or, if necessary, apologising for an error. We intend to carry any corrections on a pre-identified page upfront in the paper.
- 6) Make a note of all conversations, the offers made and the agreement hopefully reached. Send a note to Karen Baker or Tania Taylor.
- 7) If a complaint is made directly to IPSO, in all likelihood the matter will be referred back to us with their primary goal being for agreement to be reached without their involvement. If we have already been contacted, we have to show that efforts have been made to satisfy the complainant. We must have notes ready.
- 8) If a mistake has been made and there is a threat of legal action, our solicitors must be consulted. The editor and/or deputy editor must be made aware of the complaint.
- 9) If there are any concerns about a complaint, take advice. Whether it be from the newsdesk, deputy editor or editor or our solicitors. And always have a note of every conversation with the complainants.
- 10) In short, deal with complaints as quickly as possible, offer to make amends where necessary, take advice if required and keep notes. Send a final note to Karen or Tania as appropriate.

Complaints can be made in person, via the telephone or in written form (posted or electronic). The complaints are handled by the newsdesk, in conjunction with the deputy editor and or editor. Records of complaints and outcomes are retained by the editor's secretary.

Details of our complaints handling procedures are published on page 9 of both the Express & Star and the Shropshire Star each day. A copy of a page 9 featuring the information panel is attached in the appendix, page 11.

We also carry full details of how to make a complaint on our website here:
<http://www.shropshirestar.com/making-a-complaint/>

The text on the page is as follows:

Making a complaint:

We take complaints seriously and are happy to clarify errors that are made in the Shropshire Star. We abide to Independent Press Standards Organisation (Ipso) rules and regulations and the Editors' Code of Practice that IPSO enforces.

If you have a complaint about one of our stories, you should email editorial.support@shropshirestar.co.uk or write to The Editor, Shropshire Star, Ketley, Telford, TF1 5HU.

Complaints will only be accepted within four months from the date of the first publication of the article.

Where an article remains accessible on our website, complaints will be accepted up to 12 months from the date of the behaviour or first publication of the article that you are complaining about. When making your complaint, please include a copy of the article in question, or a link to the relevant webpage or a web address. If you are unable to include a copy of the article, please provide details of the date it was published. Provide an outline of your complaint, with reference to the Editors' Code. Click here to see the Editors' Code.

We will consider complaints from any person who has been directly affected by the matter complained of; or from a representative group affected by an alleged breach of the Editors' Code which is significant and of substantial public interest; or from a third party seeking to correct a significant inaccuracy of published information.

We reserve the right to reject, without further investigation, complaints that show no breach of the Editors' Code. The complaints process is free of charge irrespective of the outcome of your complaint.

We aim to acknowledge your complaint within five working days of receipt.

If we receive multiple complaints about the same issue we may make one response to all.

We will resolve your complaint within 28 days of receiving everything we need from you to allow us to investigate. If we fail to meet this timescale, you can take your complaint to Ipso.

If you are unhappy with our final response to your complaint you may complain to Ipso (<http://www.ipso.co.uk>). Ipso offers without charge a complaints handling service to the public in cases where there has been a disagreement between a complainant and us about whether the Editors' Code has been breached. We will be asked to confirm that our complaints procedure has been exhausted and will do so in writing.

Links:

- [Editors' Code Of Practice](#)
- [IPSO website](#)

Similar details are also included on the Express & Star website here:

<http://www.expressandstar.com/making-a-complaint/>

Clarifications, if required, are always carried on page 9 alongside the information panel.

Our training process

Making staff aware of IPSO

The following was posted on our intranet in August 2014 for all staff to read, supported by blogs from the editors of both daily titles.

New IPSO guidelines made available to MNA editorial

The MNA has begun to make editorial staff aware of the conduct standard being set by IPSO, the new organisation being established to regulate the UK's newspapers and magazines.

Staff are being offered training sessions and information about the new responsibilities laid down by the Independent Press Standards Organisation, set up to deal with press complaints following the phone hacking scandal.

Following criticisms of the performance of the Press Complaints Commission (PCC), IPSO bills itself as being a "new, tough, independent organisation".

Click here to download the complaints guidelines

Background on the PCC changeover is here: <http://www.pcc.org.uk/cop/practice.html>

Express & Star deputy editor Diane Davies said: "Most staff will be aware of the launch of the new Independent Press Standards Organisation in September which is taking over from the Press Complaints Commission.

"More than 90 per cent of the UK's national press and the majority of regional Press and major magazine publishers are believed to have signed up to the regulator.

"But many will not be aware of the obligations which are already being imposed on the Press by this tough new body.

"Indeed, anyone who listens to Hacked Off's claims that IPSO will have no teeth has not seen the list of requirements demanded of all those signed up to.

"Many requirements simply formalise the standards and ethics already followed by the MNA, regional press and most of the media. But there is quite a bit of administration involved.

"One major exercise is to ensure that all those 'involved in generating the content of the paper' are aware of and comply with the provisions of the Editors' Code.

"This task will tie up training manager Crispin Clark for most of September and will involve a string of training/refresher sessions which everyone must attend.

"We also have to have an official policy for dealing with complaints. Both this and the Editors' Code are being distributed but also will be available on the intranet for all to access.

"Clearly, all at the Express & Star and MNA adhere to the editor's code and all complaints are taken seriously as a matter of course but it is now a case of demonstrating how seriously we take this issues.

"It is therefore vital that everyone does attend this training and that all complaints are recorded. A major part of the IPSO requirements is an annual report that will document complaints and we need to be prepared for this.

"I hope everyone will play their part in helping us meet the IPSO requirements and demonstrate the high standards expected by the Express & Star and maintained by our dedicated editorial team."

This information was accompanied by a document setting out our complaints handling procedure, which is available to download by all staff.

The procedure reads:

Dealing with editorial complaints

When dealing with any complaints, every effort must be made to settle the issue at the earliest stage.

If there are grounds for complaint and/or a mistake has been made, immediate efforts must be made to redress this.

If we are wrong, we have to put it right. If we have done nothing wrong, we have to be able to fight our corner which means accurate notes from the reporters and those who have dealt with the story.

Always make a note of any complaints, including the caller's name, the details of the complaint and, most importantly, any offer made to correct the mistake or make amends.

When complaints have been dealt with it is VITAL that you send a note to Editor's Secretary Karen Baker or Tania Taylor for Shropshire. An annual report has to be compiled for IPSO and it is not yet clear which complaints must be included. Therefore, for the time being, include all complaints detailing how they were dealt with.

Here are some guidelines for dealing with complaints:

- 1) If there are no grounds for complaint, for example the caller is unhappy that their court case has been reported, this should be explained to them calmly and clearly. If they are abusive and hostile you can end the conversation but ensure you make a note of the conversation.
- 2) If there may be a genuine complaint, take all of the details and promise to get back to the complainant as quickly as possible. The complaint must then be investigated with some urgency. If a mistake has been made, the deputy editor or editor should be informed.
- 3) In many cases, it may be possible to appease the complainant with a follow-up story containing the correct information, putting forward their stance on an issue to give a more balanced view or giving the organisation some positive press such as a feature. This is unlikely to be included in the annual report and the preferable conclusion.
- 4) The complainant may be satisfied with this. If not, it may be necessary to carry a correction as a blob par on the end of the story.
- 5) If neither of these options are appropriate or accepted, we could run a correction in the paper either clarifying or, if necessary, apologising for an error. We intend to carry any corrections on a pre-identified page upfront in the paper.
- 6) Make a note of all conversations, the offers made and the agreement hopefully reached. Send a note to Karen Baker or Tania Taylor.

7) If a complaint is made directly to IPSO, in all likelihood the matter will be referred back to us with their primary goal being for agreement to be reached without their involvement. If we have already been contacted, we have to show that efforts have been made to satisfy the complainant. We must have notes ready.

8) If a mistake has been made and there is a threat of legal action, our solicitors must be consulted. The editor and/or deputy editor must be made aware of the complaint.

9) If there are any concerns about a complaint, take advice. Whether it be from the newsdesk, deputy editor or editor or our solicitors. And always have a note of every conversation with the complainants.

10) In short, deal with complaints as quickly as possible, offer to make amends where necessary, take advice if required and keep notes. Send a final note to Karen or Tania as appropriate.

IPSO training sessions

IPSO training sessions, conducted by our head of editorial training Crispin Clarke, were held for members of the editorial team in Shropshire on the following dates last year (2014):

Sept 30

10am: [REDACTED]

2pm: [REDACTED]

Oct 6

10am: [REDACTED]

2pm: [REDACTED]

Oct 7

10am: [REDACTED]

2pm: [REDACTED]

Oct 8

10am: [REDACTED]

2pm: [REDACTED]

IPSO training sessions were held for members of the editorial team in Wolverhampton on the following dates last year (2014):

Sept 16:

10am: [REDACTED]

2pm: [REDACTED]

Sept 17

10am: [REDACTED]

2pm: [REDACTED]

Sept 22

10am: [REDACTED]

2pm: [REDACTED]

Sept 23

10am: [REDACTED]

2pm: [REDACTED]

Sept 24

10am: [REDACTED]

2pm: [REDACTED]

Sept 29

10am: [REDACTED]

Oct 1

NOTE: Further IPSO training will be carried out in September 2015, with all new starters obliged to attend. Refresher sessions will also be available for all other members of the team.

In addition to training directed specifically at the changes prompted by IPSO, editorial staff receive regular formal and informal training through a combination of internal and external trainers. This covers topics such as improving reporting skills, management and online and social media training.

Manuals, codes and guidance used by journalists

Editor's Code – As previously outlined, all journalists including freelance staff are issued with copies of the code and details are set out on the company's intranet. Regular training sessions – internally and externally – reinforce and refresh the importance of adhering to the code.

Inhouse training – Editorial training manager Crispin Clark headed up the training of all editorial staff last year as previously outlined and is currently directing training for any new recruits. Copies of his training notes and exercises are attached. In addition, we are looking to develop an inhouse annual test which all staff will have to undergo as part of their contract. Crispin's notes regarding this are attached and our IT team are currently investigating how this might be rolled out.

Essential Law for Journalists – Copies of the current edition, the 22nd, are available in offices and will be replaced by the new one, likely to be published next year.

NCTJ diploma - In addition, all trainee reporters we take on are expected to have the NCTJ diploma, which has ethical elements to its exams, or if they have not we train them to a level that enables them to take the exam. On top of that, all trainees work towards the NCTJ's senior qualification, the NQJ, which tests ethics.

NOTE: Please see Appendix 3, pages 13-38 for copies of notes and handouts used by training manager Crispin Clark during staff training sessions.

Our record on compliance

Shropshire Star and sister weeklies

Between September 8, 2014 and December 31, 2014, the Shropshire Star received one complaint via IPSO.

The complaint related to a story published on [REDACTED] on page 5 of the Shropshire Star. The story in question was the report of an inquest. The complainant wrote to IPSO suggesting that we had breached Clause 5 of the Editors' Code of Practice, specifically part ii) When reporting suicide, care should be taken to avoid excessive detail about the method used.

It was agreed with the complainant that the Star would carry an article highlighting the work of the Samaritans, specifically in relation to suicide, and continuing to support the organisation through future articles as requested by the Samaritans. An article was subsequently published which the complainant felt did not meet the agreement we had reached and, with IPSO acting as mediator, a further article was published on the Samaritans which was shown to the complainant prior to publication and resolved the complaint.

No further complaints were received in the period during which the Shropshire Star accepted it had breached the Editors' Code or which raised significant concerns about compliance with the Editors' Code.

Express & Star and associated weeklies

Between September 8 2014 and December 31 2014, the Express & Star experienced only one matter in which IPSO were involved. There were no complaints during the period in which the Express & Star accepted it breached the Editors' Code or which raised significant concerns about compliance with the Editors' Code.

The complaint (ref 144969) was made by [REDACTED] directly to IPSO regarding a front page lead and inside spread carried on [REDACTED] had not and has never contacted the Express & Star about the matter [REDACTED].

[REDACTED] complaint centred on the reporting of an employment tribunal in which it was ruled that [REDACTED] was fairly dismissed by [REDACTED] claimed that reporting the tribunal was in breach of Clause 3 (privacy) [REDACTED] also claimed that it breached Clause 1 because the report contained inaccuracies – these centres around claims made against [REDACTED] and at the heart of the tribunal which ruled in the company's favour.

The IPSO Complaints Committee concluded that the matter did not breach the Code of Practice and did not require further investigation. We were not, therefore, contacted for a response to the complaint and received a copy of the ruling on October 17.

Appendix 1 - Copy of page 9 of the Shropshire Star giving details of our complaints procedure to readers

Appendix 2 - Copy of letter sent by Express & Star to freelance and agency contributors

Express & Star

Name & Address

Date

Dear

I am sure you are aware of the introduction in September of the new Independent Press Standards Organisation which is taking over from the Press Complaints Commission.

More than 90 per cent of the UK's national press, the majority of regional Press - including the Express & Star - and major magazine publishers are believed to have signed up to the regulator.

There are a number of obligations and requirements being imposed on the Press by the new body.

A key exercise is to ensure that all those 'involved in generating the content of the paper' are aware of and comply with the provisions of the Editors' Code of Practice.

The Express & Star and MNA has always striven to adhere to the editor's code and all complaints are taken seriously as a matter of course but it is now a case of demonstrating how seriously we take both of this issues.

To this end, all editorial staff have undergone training to meet the IPSO requirements. But there is also an onus on the Express & Star to ensure all freelance staff and agencies who regularly contribute to the content of the paper are aware of and agree to comply with the provisions of the Editors' Code.

Therefore, you will find enclosed a copy of the Editors' Code of Practice. Can I ask, please, that you confirm you have received the code and will adhere to it when dealing with any story or submitting copy for the Midland News Association.

Can you confirm in writing either in email to karen.baker@expressandstar.co.uk or by writing to Karen Baker, Editor's Secretary, Express & Star, 51-53 Queen Street, Wolverhampton, WV1 1ES.

Without this confirmation, I am afraid we may have to consider whether we will be able to continue to use your services any further.

Thank you for your understanding and co-operation.

Regards

Keith Hamson
Editor

ed

Appendix 3 – Exercises set by training manager Crispin Clark and used in staff training sessions

Photographic adjudications

Did the press win or lose?

1) Paul Kirkland complained that an article headlined "Road closed after accident", published on the website of the Wiltshire Gazette & Herald on 13 February 2008, and an article in the Wiltshire Gazette & Herald on 14 February 2008 headlined "Driver trapped", intruded into his mother-in-law's privacy and into the shock of the family in breach of Clauses 3 and 5. He also raised concerns under Clauses 1 and.

The complainant's elderly mother-in-law had been injured in a road accident. The newspaper's online report of the crash the same day included a photograph of the victim being treated by the emergency services, which the complainant considered to be extremely graphic.

The complainant said that the article had been published when not all members of the family had been informed of the accident or had known the extent of the injuries. Given that the article had (incorrectly) stated that the police officers "fear for her life", the newspaper's reporting of what it understood to have been a potentially fatal accident was intrusive and insensitive. While the photograph which appeared in the newspaper the following day had obscured the victim's face, the complainant maintained that it was still intrusive.

The newspaper said that the accident had occurred in the daytime on a public road and had caused long tailbacks. The images had been removed from its website as soon as a complaint from the family was received via Wiltshire Police, even though this was out-of-hours. The paper also carried a critical letter from the complainant in its next edition – which included an editorial footnote of apology – and had sent a private letter of apology to the family.

In considering the complaint under Clauses 1 and 2, the Commission noted that the newspaper said that the police at the scene had indicated that they were concerned that the injuries were life-threatening. It was not possible for the Commission to determine precisely what police, in the moments following the accident, had said. No representative of the police force had complained about the accuracy of the claim about their initial fears.

2) A married couple complained that an article headlined "Sweet result for Mica's charity stall", published in the Camberley News and, had intruded into their teenage daughter's privacy in breach of Clauses 3 (Privacy) and 6 (Children).

The article reported that a 13-year old girl was selling cakes at a farmers' market to raise funds for ME Research UK because her friend - the complainants' daughter - had the condition. The article named the complainants' daughter, included a photograph of her, and made clear that she had ME (myalgic encephalomyelitis). The complainants said that they had been happy for their daughter to be photographed but had not consented to the publication of her name and photograph in connection with details of her medical condition. Publication of the article had caused their daughter great distress as the family had tried to avoid labelling her as having ME, and had therefore informed people of her condition only when necessary.

The newspaper said it had intended to support the fundraising initiative, and it sincerely apologised to the complainants for the distress caused and offered to make a financial contribution to an ME charity of the complainants' choice. It had been contacted by the organisers of the market seeking publicity for the event. The photographer had taken a picture of the complainants' daughter and her friend at the stall; the friend had provided information about the complainants' daughter's medical condition. The newspaper said the complainants' daughter had been present when this information was disclosed. The photographer had then spoken briefly to a woman he took to be the girl's mother, who had commented that she would soon be taken home as she tired easily. A number of other people had been present, and the photographer had received no impression that the child's condition was considered to be confidential.

The complainants denied that the photographer had spoken to them or that their daughter had been present when the information regarding her medical condition was disclosed to the photographer. The newspaper's apology and offer of a charitable contribution were not sufficient in the complainants' opinion in light of the distress caused by the article.

3) Rod McLean, of the Arbroath Lifeboat Station crew, complained that a photograph published by the Daily Record on 26 February 2014 had been altered in breach of Clause 1 (Accuracy).

The newspaper had failed to take care not to publish inaccurate or misleading information in breach of Clause 1(i) and had published the photograph in a significantly misleading manner, but had offered sufficient action to remedy the breach.

The article reported that the crew of the Arbroath Lifeboat Station had been nominated for the newspaper's Emergency Hero Award after saving the lives of two men who had found themselves in difficulty while jet skiing. The complainant said the newspaper had breached Clause 1 by altering the accompanying photograph of the crew by removing one of its members, who had had played a vital role in the rescue.

The newspaper said the crew member had been removed following legal advice. This related to the fact that, at the time of publication, he was the defendant in criminal proceedings concerning fish poaching, to which he had later pleaded guilty. It argued the alteration was justified on this basis. However, the newspaper offered to publish a clarification, to explain to readers that the image had been altered, the reasons for this alteration, and the fact that the crew member concerned had played an important role in the rescue.

4) A man complained that the article headlined "Vice girls move into High Town", published in Luton on Sunday on 12 October 2003, included a photograph that had been altered in a misleading fashion in breach of Clause 1 (Accuracy) of the code. The complaint was upheld.

The complainant said a photograph accompanying the article, which was about the increasing problem of prostitution on the streets of Luton, was misleading since it did not depict a real scene. The image showed a street corner and a supposed vice girl on the pavement; but the complainant said that the picture had been either posed or put together as an amalgam of two separate images.

The newspaper acknowledged the photograph had been created from two separate images and explained the woman who had posed as a prostitute had been happy to be pictured. It emphasised that the problem of prostitution in the city was growing and highlighting the rise of the vice trade was in the public interest. The use of an illustrative photograph was quite legitimate in these circumstances even if it did not show a real-life scene. The newspaper assured the complainant that if it used the image (or similar photos) again to illustrate articles, it would make clear that they were posed by a model.

5) Harman and Harman, Solicitors, of Canterbury, Kent, complained that an article published in the Folkestone Herald on May 20 1999 headlined "The frontline in Folkestone" was misleading in breach of Clause 1 (Accuracy) of the Code of Practice. The complaint was upheld

The article, accompanied on the front page by a large picture of police in riot gear, reported that police had raided a house and arrested six refugees. It said that local residents had questioned whether asylum seekers in Folkestone were genuine and that local people were being burdened by the presence of refugees.

The complainant said that the use of the photograph was misleading as, by the confession of the newspaper on an inside page, it had been taken at a separate incident and not when police were called to the house. The entire tone of the article was a deliberate attempt to foster prejudice. The complainant further questioned how those quoted in the article could have known whether or not the asylum seekers were 'genuine' or not.

The editor said a genuine picture would probably have been even more dramatic. He said that he had interviewed residents whose strength of feelings had been reflected in the article. However, he also pointed to previous coverage in the newspaper which was sympathetic to refugees.

6) Mrs Sian Williams complained that an article about the death of her husband had been accompanied by photographs taken from her private Facebook profile and had included details that were intrusive and insensitive, in breach of Clause 3 (Privacy) and Clause 5 (Intrusion into grief or shock).

7) Stephen McClay, brother of zookeeper Sarah McClay who died when she was killed by a tiger, complained that the Daily Mail had published photographs of his family taken at his sister's funeral which he considered intrusive and insensitive in breach of Clause.

8) Hilary Buchanan complained that the Daily Record had published an article reporting the funeral of her 13 year-old child which was accompanied by images that had been obtained at the service in a manner considered unsympathetic and insensitive and in breach of Clause 5.

9) Mrs Rebecca Louise Elder, acting on behalf of the parents of a pupil at Fernhurst Pre-School, complained that an article headlined "Pre-school child porn web shock", published in the Midhurst and Petworth Observer, had included a photograph of the pupil in breach of Clause 6 (Children).

The front-page article reported pornographic messages and links to websites showing indecent images of children had been posted in the comments section of the pre-school's website. The piece had been accompanied by an image of the website's homepage, which contained a photograph showing part of the face of a current pupil.

The child's parents considered that the use of the image had endangered the child in breach of Clause 6. The complainant noted that child protection agencies warn that using photos of children in stories of a sexual nature can make them vulnerable to "grooming"; in addition there is a risk that such photos may be used inappropriately by others. Local people had recognised the child from the image, but her parents did all they could to shield her from the consequences of its publication. The child's face should have been obscured and permission to use the image obtained.

The newspaper said that it was impossible for people to identify the child from the image, unless they had previously been made aware of it; only her nose and mouth were partially visible, and her gender was not obvious. The child was in no more danger as a result of the article than other pupils pictured on the pre-school's website. Although the newspaper was confident that the child was not identifiable, it had decided to blur her visible features when the story was published online.

Ethics update

How ethics differs from law

Law is what you can and cannot do without risking prosecution or being sued or being fired.

Ethics are a code of practice to ensure good journalistic standards.

Quite often they go hand-in-hand but you can report things without breaking the law but you may breach the ethical code.

Following telephone hacking and Leveson, ethics has become the big issue for the Press and there is still some way to go before the dust settles.

Background

In the past the behaviour of the Press has been monitored and censured by the Press Complaints Commission. In the eyes of some this had become a toothless organisation without the necessary rigour or punishments to have any meaningful effect on papers or journalists. Something not every editor who has had to go through the complaints procedure would agree with.

Leveson recommended much tougher regulation but in his conclusion said:

“By far the best solution to press standards would a body, established and organised by the industry, which would provide genuinely independent regulation of its members . . .”

There followed a stand-off between the majority of the Press, who feared Government censorship, and organisations such as Hacked Off, who wanted legislation to bring the Press to heel.

The outcome for us has been the creation of the Independent Press Standards Organisation (IPSO), which has been criticised as being a PCC Mark 2 in which the Press investigates the Press.

However, that is where we are and the Express & Star and the Shropshire Star, along with all their weeklies, have signed up the IPSO and will be abiding by its adjudications.

Like the PCC, it will base its ruling on the Editors’ Code of Practice – a set of guidelines issued by the Society of Editors. At the moment IPSO will not be seeking to change the code but as it only become official in September and has yet to make any judgments that could well change. However, a new Editors’ Code of Practice Committee will be established. It can recommend changes but they have to go through a long process before they are adopted.

The starting point for the code is this statement: “All members of the Press have a duty to maintain the highest professional standard.”

IPSO is made up of 12 independent and industry members, with an independent majority. Its chairman is retired Appeal Court judge Sir Alan Moses.

He said: “Ipsos aims to help rebuild public trust in the press through independent, fair and transparent regulation. Its role as an independent regulator is to provide support and redress for victims of press abuse. To raise standards is to protect the public from abuse.”

“The Board and I believe that the freedom of the press can best be maintained by supporting and enhancing standards through an independent regulator. To achieve that aim we are committed to establishing and demonstrating our independence.”

“Where standards have been breached we will apply sanctions and seek redress. Where we see patterns of poor behaviour we will pursue change. Democracy depends on a free but fair press. Through independent regulation Ipsos will make an important contribution to that vital objective.”

What it means

What came out of Leveson and the Phone Hacking trial is that some of our colleagues have failed to do that and as a result we have become tarred with the same brush.

Despite a number of complaints in the past year neither the Express & Star nor the Shropshire Star have not fallen foul of the PCC, which indicates that we abide by another central pillar of the code: "It is essential that an agreed code be honoured not only to the letter but in the full spirit."

On signing up to IPSO all newspapers must be able to demonstrate they have robust systems in place to ensure journalistic standards are high to make sure all their journalists or contributors understand the code and the impact it has on their job. It says this may require one-off refresher training, a rolling programme of training, and possibly changes to contracts of employment

These sessions are part of the process.

A key change to the procedure is that IPSO expects that at the first instance papers will try to resolve complaints themselves.

Papers have 28 days to resolve any complaint and only if they have failed to do so in time will IPSO consider it for possible adjudication and remedial action.

IPSO can consider complaints from:

Any person who has been personally and directly affected by the alleged breach;
a representative group affected by the alleged breach (provided the alleged breach is significant and there is substantial public interest in IPSO considering the complaint); or
a third party seeking to correct inaccuracy of published information

If mediation fails and IPSO decides there has been a breach it starts a standards investigation and appoints an investigation panel independent of the either the press or any third party.

It may request from the paper:

Documents (anything in which information of any description is recorded)
Answers to any questions raised, either about practices generally or the facts relating to a particular incident or incidents
Access to key personnel, for example the editor, deputy or assistant editor or any journalists involved for meetings and taped interview.

If the complaint is upheld IPSO issues an adjudication and it may impose one or more of these sanctions:

Publish the adjudication outlining its findings which may include the paper taking remedial action
Require the paper to pay a fine up to a maximum of £1 million
Require the paper to pay reasonable costs of a standards investigation, and terminate the paper's membership of IPSO

To reach its conclusions, The Editors' Code of Practice – a copy of which it is attached – has 16 clauses. They range from such things as accuracy to harassment, opportunity to reply to intrusion into grief, privacy to children.

Figures for last year showed the PCC received 12,763 complaints, of which it dealt with 2,050. In the vast majority it ruled that there had been no breach. On 103 cases, the PCC ruled the code had been breached and the publication had offered or taken sufficient action to remedy the breach.

But in 15 cases it issued a critical public ruling (known as upheld rulings) against titles that had breached the code and had failed to either remedy the breach, or had breached it in such a serious manner that it could not be remedied. In each case, the publication was obliged to publish the adjudication in a prominent place. These can be found at <http://www.pcc.org.uk/case/resolved.html>

The majority of the complaints were against national newspapers but there were also a number aimed at regional papers.

The highest number of complaints was about inaccuracies with privacy issues, whether to do with health, children, hospitals, reporting crime etc.

Let's have a look at some of the recent ones.

Crispin Clark
Editorial Training Manager
September 2014



Slide 1.

Photography and the impact of ethics and law

Slide 2.

Ethics

The main clauses of the Editors' Code of Practice that have a major impact on the work of photographers are 3 (Privacy), 4 (Harassment), 5 (Intrusion into grief and shock), 6 (Children) and 10 (Clandestine devices and subterfuge) In brief these clauses say:

Slide 3.

Privacy: It is unacceptable to photograph individuals in private places without their consent. Private places are private or public property where there is a reasonable expectation of privacy, for example a restaurant or church.

Harassment: Journalists must not persist from questioning, telephone, pursuing or photographing individuals once they have been asked to desist; nor remain on their property once they have been asked to leave and must not follow them.

Intrusion into grief and shock: In cases involving personal grief or shock, enquires and approaches must be made with sympathy and discretion and publication should be handled sensitively.

Slide 4.

Children:

They should be free to complete their time at school without unnecessary intrusion. A child under 16 must not be interviewed or

photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents. Pupils must not be approached or photographed at school without permission of the school authorities.

Slide 5.

Clandestine devices and subterfuge:

The press must not obtain or publish material by using hidden cameras.

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents, or photographs; or by accessing digitally held private information without consent.
- ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest, and then only when the material cannot be obtained by other means.
- iii) It is unacceptable to photograph individuals in private places without their consent.

Slide 6.

Taking photographs and the law

- There is no criminal law restricting photography or filming in public places despite what the police or interfering members of the public might say.
- Apparent public places, such as shopping malls, are private property, and security staff may intervene unless permission has been gained.

Slide 7.

The Association of Chief Police Officers (Acpo) has issued these guidelines to police forces:

- The media have a duty to report from accident and crime scenes
- If police cordon off a scene it is best practice to give the media a good vantage point
- If a distressed or bereaved person asks the police to stop the media taking picture, officers can pass on the request but have no power to prevent or restrict such activity
- Police can only seize film or a camera at the scene if it is suspected they contain evidence of a crime
- Once a photographer has left the scene, can only seize images with a court order Police at the scene of an incident have no powers to insist a journalist deletes images.

Slide 8.

Arresting you

Police have powers under common law for breach of the peace or section 5 of the Public Order Act 1996 to arrest you. However, this is only justified if harm has been done or is likely to be done to a person or their property, or when a person is in fear of being harmed. Section 5 allows arrest if anyone's behaviour is disorderly and likely to cause 'harassment, alarm or distress' to another person. Section 137 of the Highways Act 1980 gives powers to arrest journalist in a public place who fail to move on when asked to do if they are obstructing free passage along a highway in any way.

Slide 9.

Section 89 of the Police Act 1996 says it's an offence to 'resist or wilfully obstruct a constable in the execution of his duty, or a person assisting a constable in the execution of his duty. This does not have to be physical but could mean a journalist who persists in taking photographs and then engages in an argument with an officer.

Section 68 of the Criminal Justice and Public Order Act 1994 created the offence of aggravated trespass, which covers protests. A journalist covering such an event could be arrested. Section 69 gives police the powers to order anyone believed to be involved to leave. A journalist who fails to leave may have a defence under the Act that he/she had 'a reasonable excuse' to stay.

Slide 10.

Trespass

Property and land owners can use the civil law of trespass, which forbids unlawful entry, to back their objections to photograph. Occupiers or property of land may use reasonable force to eject a trespasser. Police may assist but have duty to do so.

There is nothing to stop photography adjoining private land if the right to be there is established, or the public highway. However, it could breach privacy.

Slide 11.

Privacy

It is not just the Editors' Code of Practice that covers privacy and photography; it can also be a breach of civil law that could result in the paper being sued if the pictures were taken without consent. When deciding if privacy has been breached, courts take the following into consideration:

- Did the person have a 'reasonable expectation of privacy'
- Has the person been persistently harassed by the media
- Was the person in a condition, situation or event giving rise to a reasonable expectation of privacy, even though he/she was in or could be seen from a public place. (A mentally ill person, someone receiving medical treatment)
- Does public interest override the right to privacy

Slide 12.

Copyright

The Copyright, Designs and Patents Act 1988 gives the copyright of a picture to the photographer, or employer, for any picture taken after July 1989. It gives the commissioner of a domestic or private photographer a moral right over its use. Wedding photos etc.

With pictures taken before that date, the copyright is owned by the commissioner. Lifting pictures from social media networking sites – such as Facebook, Twitter, Instagram – may infringe copyright of site and/or person who created the picture.

PCC adjudications, who won and who lost?

1) A news editor responsible for editing the letters page decides against publishing several letters a councillor has written about a controversy over speed humps. However, she posts comments on her personal Facebook page in which she refers to a "failed wannabe MP". Other comments include: "I plan to make his life a misery as much as possible." The councillor describes the comments as "sheer venom" and "shocking". While unnamed, he is the only councillor who had been an unsuccessful parliamentary candidate. The councillor complained the newspaper has breached Clauses 1 (accuracy), 2 (opportunity to reply) and 4 (harassment).

2) S & R Motors complains that an article headlined "Trading Standards investigate garage" breached Clause 1. The firm said that while a woman had referred her complaint about the roadworthiness of a car it had sold her to Trading Standards, they were not investigating.

3) Mrs Rebecca Louise Elder, acting on behalf of the parents of a pupil at Fernhurst Pre-School, complained that an article headlined "Pre-school child porn web shock", published in the Midhurst and Petworth Observer, had included a photograph of the pupil in breach of Clause 6 (Children).

The front-page article reported pornographic messages and links to websites showing indecent images of children had been posted in the comments section of the pre-school's website. The piece had been accompanied by an image of the website's homepage, which contained a photograph showing part of the face of a current pupil.

The child's parents considered that the use of the image had endangered the child in breach of Clause 6. The complainant noted that child protection agencies warn that using photos of children in stories of a sexual nature can make them vulnerable to "grooming"; in addition there is a risk that such photos may be used inappropriately by others. Local people had recognised the child from the image, but her parents did all they could to shield her from the consequences of its publication. The child's face should have been obscured and permission to use the image obtained.

The newspaper said that it was impossible for people to identify the child from the image, unless they had previously been made aware of it; only her nose and mouth were partially visible, and her gender was not obvious. The child was in no more danger as a result of the article than other pupils pictured on the pre-school's website. Although the newspaper was confident that the child was not identifiable, it had decided to blur her visible features when the story was published online.

The complainant, acting on behalf of Fernhurst Pre-School, said the article had contained inaccurate and misleading information in breach of Clause 1.

The complainant raised a number of. Most significantly, while she acknowledged that the newspaper had been told on the day before publication by police that they were "investigating", she denied that this amounted to a "police investigation" (in the article's phrase). She considered this implied, wrongly, that the pre-school was being investigated, and maintained that the newspaper should have made further inquiries with police. There had been no police investigation into how the messages had been posted, and there was no question of "hacking". Police had merely recommended that the pre-school contact the Internet Watch Foundation. In addition, the school was not "privately run"; it was run by a charitable trust.

The newspaper believed its article, which had reported that the comments had been removed within hours of being noticed, was fair and accurate. It emphasised that after noticing the comments - which had been published on the pre-school's website for ten days - its reporters had contacted the police and the pre-school to alert them. The police had told the newspaper that the matter was being investigated; at that point, they had not established how the comments had been placed on the website. The newspaper said it did not understand what the police could be investigating, if not who had posted the comments and how. It had made repeated attempts to contact the pre-school before publication for comment, without success. The pre-school was not run by the council; it was, therefore, privately run. The newspaper did not accept any breach of the Code, but offered to publish a follow-up story.

The complainant said that the police had closed their file on the issue by the time the newspaper had gone to print; in her view, this was a "non-story" that had damaged the pre-school and should never have been published. She rejected the newspaper's offer to interview her for a follow-up.

4) Edward Clark complained that an article headlined "Storm over 'drug addict' accusation", published in the Whitstable Times, was inaccurate and misleading in breach of Clause 1.

The articles reported an allegation, sent in an anonymous email to the newspaper, that the complainant - who had been awarded the lead role in his local operatic society's latest production - was an "ex-heroin user". The complainant said that this was incorrect: he had never used heroin in his life. He had made clear his absolute denial of the claim to the newspaper before publication and this had been included in the article. He said that the newspaper should not have published the story based on the unsubstantiated claims of a single anonymous source.

The newspaper said that deciding to run the article was "a difficult call". However, the anonymous email contained a serious allegation about the complainant and it had decided to investigate by contacting the complainant and the chairman of the operatic society for their comments. The article gave the complainant the opportunity to deny the allegation. Following the complaint, the newspaper: removed the online version of the article; published letters of rebuttal from the complainant's mother and the chairman of the operatic society; and published an apology to the complainant for any distress caused.

5) Rebecca Morris complained that an article headlined "Model pix cop has quit force", published in the Halesowen News breach of Clauses 1 and 3 (Privacy).

Accuracy: The article reported that the complainant had left her employment as a Police Community Support Officer following press reports about photographs of her modelling that had been published online.

The complainant denied the newspaper's claim she was "carving out a second career as a motor show promotions model"; she had not been paid for the photographs posted online, which had been taken as part of a hobby. She also considered that the article suggested, inaccurately, that she had left her job because of the publicity surrounding the photographs.

The newspaper took 45 days to provide an initial response to the complaint. While it noted that the article had been based on an agency report and stated that it therefore could not provide any details about the journalist's newsgathering methods, it denied having published any inaccuracies. It did not accept that its article had suggested that the complainant had left her job because of the previous press coverage of the photographs. It maintained that the complainant had promoted herself as a model seeking paid employment in that field.

Privacy: The complainant said that the newspaper's publication of her name, age and area of residence was intrusive. She argued that this was a security issue, as she had previously received death threats when people had learnt that she worked for the police. The complainant also objected to approaches made to her neighbours by a journalist in an effort to obtain comment on the story.

The newspaper denied that its coverage had intruded into the complainant's privacy; it said that the photographs of the complainant had been freely available online at the time of publication, and that its article was based on information in the public domain.

6) Nicki McLellan complained that an article headlined "Saleswoman who targeted doctor's patients and poor is exposed", published by the Kent and Sussex Courier on 3 August 2012, contained information which had been obtained using subterfuge and clandestine devices in breach of Clause 10 (Clandestine devices and subterfuge) and also breached Clause 1 and 4 (Harassment).

After reading an article about a woman experiencing financial hardship, a representative of the complainant had contacted the newspaper in order to offer her an opportunity to make extra money. The woman had agreed to meet the complainant but had been accompanied by a reporter from the newspaper posing as her partner.

The complainant suggested that the woman might wish to join her in working in the "multi-level marketing sector" selling "wellness products" and gave a presentation about the company. She suggested that the woman and her "partner" should attend a further presentation on the scheme, and described how she used her role as a receptionist in a doctor's surgery to meet potential customers.

The newspaper's coverage focused on the complainant's admission that she had recommended the products to patients at the surgery. It referred to the complainant's comments at the meeting, which had been recorded without her knowledge, and was illustrated with still images of her.

The complainant said the newspaper's use of subterfuge had been wholly unjustified: she had acted with good intentions to help the woman find a new source of income. The reporter had not taken steps to investigate the matter before resorting to subterfuge.

The newspaper said it had been concerned that the complainant intended to involve the "vulnerable" woman in a direct-selling scheme that required a significant initial financial outlay. Its research had shown that reputable sources had raised

concerns about the practice of direct selling, and it had been keen to learn whether the complainant was "targeting" vulnerable individuals. It had decided the only way of investigating further was to employ subterfuge.

Following the meeting, it had decided that publication of the material was justified by a sufficient public interest, particularly in light of the revelation that the complainant had used her position as a receptionist at a doctor's surgery to make sales for her business.

Harassment: The complainant said that after the meeting the reporter - who had informed her of the subterfuge - had been "pushy" and had emailed her a list of questions about the incident, despite her having made clear in a telephone conversation that she did not wish to comment. Later the same week she had been told not to come to work at the surgery because the reporter was present in the car park. The complainant said that, contrary to a suggestion in the article, the surgery had been fully aware of her involvement in the "multi-level marketing sector".

The newspaper said its reporter had been happy to end the call when the complainant made clear that she did not wish to comment. The purpose of the email, which acknowledged her desire not to comment, was to make the complainant aware of the questions he had intended to ask; it had not requested a response. The reporter had attended the surgery in order to photograph the site and speak to patients; he had no intention of talking to the complainant or photographing her. The Primary Care Trust had provided the newspaper with a statement that, while the surgery knew the complainant was involved in direct selling, it was unaware of her approaching patients about the products.

Accuracy: The article had reported that the complainant's comments about selling products to patients had prompted the practice to investigate the matter. While the complainant maintained that the practice had been aware of her activities, the relevant PCT had told the newspaper that the surgery had been unaware the complainant was selling products to patients. It had issued a statement, included in the article, that it was investigating the matter. The complainant chose not to comment before.

7) A man complained that an article published in The Bolton News had breached Clauses 1, 3, 12 (Discrimination) and Clause 14 (Confidential sources).

The complainant had contacted the newspaper to alert it to his concerns about the misuse of the blue badge system in Bolton's car parks. The article reported his account of an incident of alleged misuse, along with his name, age and partial address. It noted that both he and his wife (who was not named) were disabled and identified their medical conditions. While the complainant acknowledged that he had initiated the contact with the newspaper, he said no consent had been sought for the publication of the couple's personal information. He considered that it could lead to reprisals and suggested that his wish for anonymity should have been evident to the newspaper when he cancelled an appointment to be photographed for the story; he had made clear at this point that the publication of a picture of him was not a good idea "as [he] didn't want to be identified", due to his wife's profession. The complainant said he had recordings of his calls with the reporter but declined to provide them to the Commission.

The complainant also said that the headline's suggestion that he had expressed "anger" about the blue badge abuse was inaccurate; he only felt "disappointment". He expressed concern about the description of the local council's abrogation of duties regarding blue badges as a "legal loophole", and what he considered as an inaccurate suggestion in the article that his wife had been present when he witnessed the alleged infraction. He considered that his and his wife's disabilities were irrelevant to the story and said that he had only provided details of their conditions following a question from the reporter.

The newspaper said that the information had been freely provided by the complainant, who had approached the newspaper about his concerns; it noted that this was not the first occasion on which he had brought local issues to its attention in this way and that in addition he maintained a blog on which he commented about local issues. During the telephone conversation in which the complainant had identified his and his wife's medical conditions, he had referred to his wife being present in the room, and the newspaper had understood from this that she consented to the publication of the information. While it accepted that the complainant had changed his mind about being photographed, it denied that he had asked to be treated as a confidential source or requested that any detail be withheld from its report.

Confidential sources: states that "journalists have a moral obligation to protect confidential sources of information". Where an individual initiates contact with a newspaper with the aim of providing information for publication, there is a basic expectation that this information will be attributable. Clause 14 is generally engaged only in instances where an agreement, of some form, has been reached that the individual will be treated as a confidential source. On this occasion, while the complainant suggested that the newspaper should have inferred his position, he had not sought to argue that he had initiated a conversation about the issue or reached such an agreement with the newspaper. There was no breach of Clause 14.

Privacy: The complainant had contacted the newspaper and provided it with information about the incident. He had also disclosed information about his medical condition without stating that this was to be treated confidentially.

The situation with regard to the complainant's wife was less clear cut. The Commission has made clear, on a number of occasions, that medical information poses a significant potential for intrusion and should be treated with caution, particularly where it has been provided by a third party. Does the fact that the woman was in the room when the complainant was talking to the newspaper have any bearing?

Accuracy: Clause 1 states that newspapers must take care not to publish inaccurate or misleading information and requires that significant inaccuracies, once recognised, must be corrected. The complainant said the headline and the reference to the "loophole".

Discrimination: Clause 12 (ii) states that details of an individual's physical or mental illness or disability must be avoided unless genuinely relevant to the story. What do you think?

8) The mother of Hannah Sharp, on behalf of her family, complained that coverage in the Chester Chronicle of an accident involving her daughter breaches Clauses 1, 3, 4, 5 (Intrusion into grief or shock) and 8 (Hospitals).

In October 2008 the complainant's daughter had been seriously injured following a road traffic accident in which the driver was killed. The incident and the aftermath were covered by the newspaper.

Privacy and hospitals: Hannah spent five months in hospital, and the complainant was concerned that the newspaper had made a number of 'condition checks' with the hospital following the accident. She said that the hospital had breached her daughter's confidentiality by releasing information about her medical condition without the family's consent.

The complainant was also concerned about the newspaper publishing private information about her daughter's health. One article had given the complainant's daughter's first name, in addition to quoting a spokesman for the hospital who said that 'the patient sustained serious head injuries and as a result will require long-term care'. By not checking explicitly that the family was happy for this information to be released by the hospital, the newspaper had failed to show respect for her daughter's privacy at a time when she was seriously ill. This also represented a breach of Clause 8 (ii).

In February 2009, the family asked Cheshire Police to make clear to the newspaper that the family did not wish for it to make further enquiries with the hospital. The hospital's Chief Executive wrote formally to the newspaper in June 2009 to ask it not to 'use our briefing on the current/future medical situation of [the complainant's daughter] in any future articles'.

In response, the newspaper said it understood that it would have been a traumatic time for the families of both young women, and it was not its intention to add to their distress. The reporter's calls to the Intensive Care Unit at the hospital were routine journalistic practice to ensure that any published information was up-to-date, and it assumed that the hospital had followed the correct procedures in releasing information, including consulting the family. The newspaper had only used the victim's first name until her surname had been revealed at the inquest, together with the name of the road where she lived.

Harassment and Intrusion into grief or shock: The inquest into the death of the driver was held on 9 July 2009 and - given the fact that there would be press interest - the family had reluctantly released a statement, although this did not contain any undisclosed medical information. Aside from this, a representative of the family made clear orally that they did not wish to speak to the press.

Notwithstanding this request for privacy, the newspaper's reporter visited the family home on 13 July to ask for further information about the daughter's condition, and spoke to her aunt for 10 minutes on the doorstep. The complainant felt that the enquiries had not been conducted with sympathy and discretion, as the reporter persisted in asking intrusive questions such as whether her daughter was conscious. He also asked whether a photograph could be provided. The newspaper had also pursued the story with the family's solicitors, repeatedly contacting them after the inquest. The solicitors confirmed that the family had nothing to add to the press statement.

The complainant added that - at the time of the accident - the reporter had approached a family friend for information and was informed that the family did not wish to be contacted.

The newspaper said that its reporter had decided against approaching the family at the time of the accident. After the inquest, he had been given the statement by the family's representative, but was certain that she did not say that an approach should not be made to the family. Given the family's comments in the statement he wondered whether the family may wish to speak further - nine months after the accident - and therefore visited the complainant's home. The aunt declined to comment on the case, and was insistent that nothing relating to the conversation should be published, which the newspaper respected. It did not agree that the reporter had acted insensitively.

The reporter only called the complainant's legal representative twice, leaving an answerphone message once.

Accuracy: The complainant said that a report of the inquest in Chronicle Xtra (13 July) was inaccurate when it claimed that her daughter had been left 'permanently brain-damaged'. Not only was this supposition - as the nature of brain injuries was unpredictable - but the complainant was concerned about the source of this information, given the efforts she had made to stop the newspaper from making further enquiries with the hospital. Her daughter's medical condition had not been mentioned at the inquest. This article also inaccurately described one witness as a 'neighbour and school friend' of her daughter, and said that her daughter and partner had been 'dating for about three months', rather than one.

The complainant said that a further article of 16 July was inaccurate when it stated that 'Hannah's family regard it as something of a miracle that she is still alive'. This inaccurately paraphrased the family's statement.

The newspaper was willing to publish a correction and apology in regard to the inaccuracies in the piece. The description of the injuries as 'permanent' and 'long-term' were not based on any form of family or official statement, and the newspaper accepted that the earlier hospital statement may have confirmed the position in the reporter's mind. It agreed that this was insensitive and inappropriate, and apologised to the family, offering to do so in public too.

9) Paul Kirkland complained that an article headlined "Road closed after accident", published on the website of the Wiltshire Gazette & Herald on 13 February 2008, and an article in the Wiltshire Gazette & Herald on 14 February 2008 headlined "Driver trapped", intruded into his mother-in-law's privacy and into the shock of the family in breach of Clauses 3 and 5. He also raised concerns under Clauses 1 and.

The complainant's elderly mother-in-law had been injured in a road accident. The newspaper's online report of the crash the same day included a photograph of the victim being treated by the emergency services, which the complainant considered to be extremely graphic.

The complainant said that the article had been published when not all members of the family had been informed of the accident or had known the extent of the injuries. Given that the article had (incorrectly) stated that the police officers "fear for her life", the newspaper's reporting of what it understood to have been a potentially fatal accident was intrusive and insensitive. While the photograph which appeared in the newspaper the following day had obscured the victim's face, the complainant maintained that it was still intrusive.

The newspaper said that the accident had occurred in the daytime on a public road and had caused long tailbacks. The images had been removed from its website as soon as a complaint from the family was received via Wiltshire Police, even though this was out-of-hours. The paper also carried a critical letter from the complainant in its next edition – which included an editorial footnote of apology – and had sent a private letter of apology to the family.

In considering the complaint under Clauses 1 and 2, the Commission noted that the newspaper said that the police at the scene had indicated that they were concerned that the injuries were life-threatening. It was not possible for the Commission to determine precisely what police, in the moments following the accident, had said. No representative of the police force had complained about the accuracy of the claim about their initial fears.

10) A married couple complained that an article headlined "Sweet result for Mica's charity stall", published in the Camberley News and, had intruded into their teenage daughter's privacy in breach of Clauses 3 (Privacy) and 6 (Children).

The article reported that a 13-year old girl was selling cakes at a farmers' market to raise funds for ME Research UK because her friend - the complainants' daughter - had the condition. The article named the complainants' daughter, included a photograph of her, and made clear that she had ME (myalgic encephalomyelitis). The complainants said that they had been happy for their daughter to be photographed but had not consented to the publication of her name and photograph in connection with details of her medical condition. Publication of the article had caused their daughter great distress as the family had tried to avoid labelling her as having ME, and had therefore informed people of her condition only when necessary.

The newspaper said it had intended to support the fundraising initiative, and it sincerely apologised to the complainants for the distress caused and offered to make a financial contribution to an ME charity of the complainants' choice. It had been contacted by the organisers of the market seeking publicity for the event. The photographer had taken a picture of the complainants' daughter and her friend at the stall; the friend had provided information about the complainants' daughter's medical condition. The newspaper said the complainants' daughter had been present when this information was disclosed. The photographer had then spoken briefly to a woman he took to be the girl's mother, who had commented that she would soon be taken home as she tired easily. A number of other people had been present, and the photographer had received no impression that the child's condition was considered to be confidential.

The complainants denied that the photographer had spoken to them or that their daughter had been present when the information regarding her medical condition was disclosed to the photographer. The newspaper's apology and offer of a charitable contribution were not sufficient in the complainants' opinion in light of the distress caused by the article.

11) A woman complained that the Croydon Advertiser had harassed her in breach of Clauses 4 (Harassment) and 9 (Reporting of Crime).

The complainant was the sister of a man who had been convicted of a high-profile murder. Her father had contacted the PCC in October 2012 and again in January 2013 raising concerns about approaches by journalists to his family. On each occasion a private advisory notice had been circulated by the PCC explaining that the family - including the complainant - would not be speaking to the press and did not wish to be contacted by journalists. Nonetheless, in June 2013 the newspaper had sent a reporter to the complainant's home in order to obtain her comment; the reporter had been informed by the complainant's partner that she was not available and did not wish to comment.

In June 2013 the newspaper published a feature about the complainant's brother, who had been convicted of murder. It included the complainant's first name and the town in which she lived. The complainant said that she was irrelevant to the crime and should not have been named in the article.

The newspaper said that it had received but had not registered the advisory notices issued by the PCC. It had certainly not disregarded the family's request deliberately; rather, it had been an oversight. When informed that the complainant did not wish to comment, the reporter had immediately left and had not returned to the house.

The newspaper acknowledged that the complainant did not deserve to be associated with her brother's crimes. It noted, however, that the article had been a feature about his background, and the fact that the complainant still lived in the area in which he grew up made her relevant in that context. It had not revealed the area of the town in which she lived.

12) A woman complained that an article published in the Wiltshire Gazette and Herald contained excessive detail about a method of suicide in breach of Clause 5.

The article reported an inquest hearing into the death of a man, who had taken his own life. It included details of the type of gas involved, the manner in which it had been inhaled and the state in which he had been discovered. The complainant said that the detail included was explicit and technical, and had caused distress to his family and friends.

The newspaper said that it had endeavoured to be sensitive to the family's wishes in reporting the death, and at their request had not published a story at the time of the death. The details it published had been placed in the public domain through the inquest, and their omission would have prevented it from fully explaining the coroner's verdict.

Appendix – Training manager Crispin Clark's notes for staff training sessions

Ethics update

The PCC is dead!

Long live IPSO!

Today we are going to look at the ever-increasing need to be ethical in our work.

How ethics differs from law

Law is what you can and cannot do without risking prosecution or being sued or being fired.

Ethics are a code of practice to ensure good journalistic standards.

Quite often they go hand-in-hand but you can report things without breaking the law but you may breach the ethical code.

Following telephone hacking and Leveson, ethics has become the big issue for the Press and there is still some way to go before the dust settles.

Background

In the past the **behaviour** of the Press has been **monitored and censured by the Press Complaints Commission**.

In the eyes of some this had become a **toothless organisation without the necessary rigour or punishments to have any meaningful effect** on papers or journalists.

Something not every editor who has had to go through the complaints procedure would agree with. Leveson recommended much tougher regulation but in his conclusion said:

“By far the best solution to press standards would a body, established and organised by the industry, which would provide genuinely independent regulation of its members . . .”

There followed a stand-off between the majority of the Press, who feared Government censorship, and organisations such as Hacked Off, who wanted legislation to bring the Press to heel.

The outcome for us has been the creation of the **Independent Press Standards**

Organisation (IPSO), which has been criticised as being a PCC Mark 2 in which the Press investigates the Press.

However, that is where we are and the Express & Star and the Shropshire Star, along with all their weeklies, have signed up the IPSO and will be abiding by its adjudications.

Like the PCC, it will base its ruling on the **Editors' Code of Practice** – a set of guidelines issued by the Society of Editors.

At the moment IPSO **will not be seeking** to change the code but as it only become official in September and has yet to make any judgments that could well change.

However, a new Editors' Code of Practice Committee will be established.

It can recommend changes but they have to go through a long process before they are adopted. The starting point for the code is this statement: “All members of the Press have a duty to maintain the highest professional standard.”

IPSO is made up of **12 independent and industry members, with an independent majority**.

Its chairman is retired **Appeal Court judge Sir Alan Moses**.

He said: “Ipso aims to **help rebuild public trust in the press through independent, fair and transparent regulation**.

“Its role as an independent regulator is to provide support and redress for victims of press abuse. To raise standards is to protect the public from abuse.

“The Board and I believe that the freedom of the press can best be maintained by supporting and enhancing standards through an independent regulator.

“To achieve that aim we are committed to establishing and demonstrating our independence.”

“Where standards have been breached we will apply sanctions and seek redress. Where we see patterns of poor behaviour we will pursue change.

“Democracy depends on a free but fair press. Through independent regulation Ipsos will make an important contribution to that vital objective.”

What it means

What came out of Leveson and the Phone Hacking trial is that some of our colleagues have failed to do that and as a result we have become tarred with the same brush.

Despite a number of complaints in the past year neither the Express & Star nor the Shropshire Star have not fallen foul of the PCC, which indicates that we abide by another central pillar of the code: “It is essential that an agreed code be honoured not only to the letter but in the full spirit.”

On signing up to IPSO all newspapers must be able to **demonstrate they have robust systems** in place to ensure journalistic standards are high to make sure all their journalists or contributors understand the code and the impact it has on their job.

It says this may require one-off refresher training, a rolling programme of training, and possibly changes to contracts of employment

These sessions are part of the process.

A key change to the procedure is that IPSO expects that at the first instance papers will try to resolve complaints themselves.

Papers have 28 days to resolve any complaint and only if they have failed to do so in time will IPSO consider it for possible adjudication and remedial action.

IPSO can consider complaints from:

Any person who has been personally and directly affected by the alleged breach;
a representative group affected by the alleged breach (provided the alleged breach is significant and there is substantial public interest in IPSO considering the complaint; or
a third party seeking to correct inaccuracy of published information

If mediation fails and ISPO decides there has been a breach it starts a standards investigation and appoints an investigation panel independent of the either the press or any third party.

It may request from the paper:

Documents (anything in which information of any description is recorded)
Answers to any questions raised, either about practices generally or the facts relating to a particular incident or incidents

Access to key personnel, for example the editor, deputy or assistant editor or any journalists involved for meetings and taped interview.

If the complaint is upheld IPSO issues an adjudication it may impose one or more of these sanctions:

Publish the adjudication outlining its findings which may include the paper taking remedial action

Require the paper to pay a fine

Require the paper to pay reasonable costs of a standards investigation, and terminate the paper's membership of IPSO

To reach its conclusions, **The Editors' Code of Practice** – a copy of which it is attached – has 16 clauses. They range from such things as accuracy to harassment, opportunity to reply to intrusion into grief, privacy to children.

Figures for last year showed the PCC received **12,763 complaints**, of which it dealt with **2,050**. In the vast majority it ruled that there had been no breach.

On **103** cases, the PCC ruled the code had been breached and the publication had offered or taken sufficient action to remedy the breach.

But in **15** cases it issued a critical public ruling (known as upheld rulings) against titles that had breached the code and had failed to either remedy the breach, or had breached it in such a serious manner that it could not be remedied.

In each case, the publication was obliged to publish the adjudication in a prominent place. These can be found at <http://www.pcc.org.uk/case/resolved.html>

The majority of the complaints were against national newspapers but there were also a number aimed at regional papers.

The highest number of complaints was about inaccuracies with privacy issues, whether to do with health, children, hospitals, reporting crime etc.

Let's have a look at some of the recent ones.

**Crispin Clark
Editorial Training Manager
September 2014**

THE SUNDAY NEWS ASSOCIATION LIMITED



Ethics and law for photographers

The main clauses of the Editors' Code of Practice that have a major impact on the work of photographers are 3 (Privacy), 4 (Harassment), 5 (Intrusion into grief and shock), 6 (Children) and 10 (Clandestine devices and subterfuge).

In brief, this is what those clauses say:

Privacy: It is unacceptable to photograph individuals in private places without their consent. Private places are private or public property where there is a reasonable expectation of privacy, for example a restaurant or church.

Harassment: Journalists must not persist from questioning, telephone, pursuing or photographing individuals once they have been asked to desist; nor remain on their property once they have been asked to leave and must not follow them.

Intrusion into grief and shock: In cases involving personal grief or shock, enquires and approaches must be made with sympathy and discretion and publication should be handled sensitively.

Children: They should be free to complete their time at school without unnecessary intrusion. A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents. Pupils must not be approached or photographed at school without permission of the school authorities.

Clandestine devices and subterfuge: The press must not obtain or publish material by using hidden cameras.

i). The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents, or photographs; or by accessing digitally-held private information without consent.

ii). Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest, and then only when the material cannot be obtained by other means.

iii) It is unacceptable to photograph individuals in private places without their consent.

Taking photographs and the law

There is no criminal law restricting photography or filming in public places despite what the police or interfering members of the public might say.

Apparent public places, such as shopping malls, are private property, and security staff may intervene unless permission has been gained.

The Association of Chief Police Officers (Acpo) has issued these guidelines to police forces:

- The media have a duty to report from accident and crime scenes
- If police cordon off a scene it is best practice to give the media a good vantage point
- If a distressed or bereaved person asks the police to stop the media taking picture, officers can pass on the request but have no power to prevent or restrict such activity
- Police can only seize film or a camera at the scene if it is suspected they contain evidence of a crime
- Once a photographer has left the scene, can only seize images with a court order

Police at the scene of an incident have no powers to insist a journalist deletes images.

Arresting you

Police may be able to use powers under common law for breach of the peace or section 5 of the Public Order Act 1996 to arrest you. However, this is only justified if harm has been done or is likely to be done to a person or their property, or when a person is in fear of being harmed. Section 5 allows arrest if anyone's behaviour is disorderly and likely to cause 'harassment, alarm or distress' to another person.

Section 137 of the Highways Act 1980 gives powers to arrest journalist in a public place who fail to move on when asked to do if they are obstructing free passage along a highway in any way.

Section 89 of the Police Act 1996 says it's an offence to 'resist or wilfully obstruct a constable in the execution of his duty, or a person assisting a constable in the execution of his duty. This does not have to be physical but could mean a journalist who persists in taking photographs and then engages in an argument with an officer.

Section 68 of the Criminal Justice and Public Order Act 1994 created the offence of aggravated trespass, which covers protests. A journalist covering such an event could be arrested. Section 69 gives police the powers to order anyone believed to be involved to leave. A journalist who fails to leave may have a defence under the Act that he/she had 'a reasonable excuse' to stay.

Trespass

Property and land owners can use the civil law of trespass, which forbids unlawful entry, to back their objections to photograph. Occupiers or property of land may use reasonable force to eject a trespasser. Police may assist but have no duty to do so. There is nothing to stop photography adjoining private land if the right to be there is established, or the public highway. However, it could breach privacy.

Privacy

It is not just the Editors' Code of Practice that covers privacy and photography; it can also be a breach of civil law that could result in the paper being sued if the pictures were taken without consent.

When deciding if privacy has been breached, courts take the following into consideration:

- Did the person have a 'reasonable expectation of privacy'
- Has the person been persistently harassed by the media
- Was the person in a condition, situation or event giving rise to a reasonable expectation of privacy, even though he/she was in or could be seen from a public place. (A mentally ill person, someone receiving medical treatment)
- Does public interest override the right to privacy
- Is the image so widely distributed that banning it is pointless

Care has to be taken covering accidents that the photographs do not identify victims, especially if they are receiving medical treatment. The normal practice is to make sure faces and number plates or distinctive markings are pixelated. This not only helps prevent a breach of privacy but also intruding into grief and shock of. Make sure there are no pools of blood.

The public interest in photographing major incidents such as disasters or terrorist bombings may be strong enough to overcome breaching privacy to show victims needing or receiving treatment, even though they have not given their consent.

Copyright

The Copyright, Designs and Patents Act 1988 gives the copyright of a picture to the photographer, or employer, for any picture taken after July 1989.

It gives the commissioner of a domestic or private photographer a moral right over its use. Wedding photos etc.

With pictures taken before that date, the copyright is owned by the commissioner.

Lifting pictures from social media networking sites – such as Facebook, Twitter, Instagram – may infringe copyright of site and/or person who created the picture.

Courts

Photography and filming in courts and their precincts of courts, which are not specified, is banned under the Criminal Justice Act 1925 and it is a criminal offence to take and/or publish such images. The main reason is to stop added strain on witnesses, defendants and jurors.

It's always a good idea to check with the courts what constitutes the precincts.

It could also be deemed contempt of court under common law to photograph in these areas AND also on the pavement outside a court if the court considers a photographer's conduct amounts to "molestation" – interference with the administration of justice.

Case law suggest running after a defendant for a short while is normally acceptable but stalking a defendant or witness further, or jostling them, could be contempt as it might deter them of other witnesses from giving evidence. NO juror may be photographed.

Children

Apart from the potential of breaching the Editors' Code of Practice when photographing children, it may also breach privacy laws

The sensible approach when photographing children under the age of 16 is to ALWAYS ask permission of a parent, school etc before. This will save you a lot of grief.

Crispin Clark
Editorial Training Manager
September 2014



Slide 1.

IPSO complaints procedure

When dealing with any complaints, every effort must be made to settle the issue at the earliest stage.

Slide 2.

If there are grounds for complaint and/or a mistake has been made, immediate efforts must be made to redress this.

If we are wrong, we have to put it right. If we have done nothing wrong, we have to be able to fight our corner which means accurate notes from the reporters and those who have dealt with the story. Always make a note of any complaints, including the caller's name, the details of the complaint and, most importantly, any offer made to correct the mistake or make amends.

When complaints have been dealt with it is VITAL that you send a note to Editor's Secretary Karen Baker. An annual report has to be compiled for IPSO and it is not yet clear to which extent a complaint must be included. Therefore, for the time being, include all complaints detailing how they were dealt with.

Slide 3.

Guidelines for dealing with complaints:

If there are clearly no grounds for complaint, for example the caller is unhappy that their court case has been reported, this should be explained to them calmly.

IPSO training plan

To work, this will require an online site that all journalists can access.

With all journalists entered into a date base it will be easy to identify who has completed the online training and who needs to be chased.

A number of scenarios will be put forward for journalists to read. They will be based on rulings from IPSO and probably the old PCC. There will be a number of options to choose from and then an explanation of what actually happened.

The site will also include the Editors’ Code of Practice and a link to IPSO. I also suggest a link to The Editors’ Codebook, published by the Editors’ Code of Practice Committee, –

http://www.editorscode.org.uk/the_code_book.php – which although only having its front page changed to include IPSO still has some useful information that would be of interest to more senior editorial staff.

To complete the training there will be 10 questions with multiple choice answers. To be successful, journalists much get an 80% pass rate. They will have to continuing answering the questions until they reach that level. Their initial score should be recorded to see if anyone needs extra training to bring up to the level we require.

The site will be updated every year with new scenarios and questions. All editorial staff must pass the test annually to show that we are complying with IPSO requirements.

Crispin Clark

